

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEPHEN GOODELL,

Plaintiff,

vs.

BAYER HEALTHCARE
PHARMACEUTICALS, INC., BAYER
CORPORATION; BAYER HEALTHCARE
LLC.; and DOES 1 through 50, inclusive,¹

Defendants.

Civil Action No. 1:18-cv-10694-IT

**ORDER REGARDING FILING OF FIRST AMENDED COMPLAINT AND
BRIEFING SCHEDULING FOR MOTION TO DISMISS**

The parties, while reserving all rights and defenses, shall comply with the following briefing schedule for filing an Amended Complaint and briefing the Defendants' Motion to Dismiss:

1. Plaintiff will serve Defendants with a M.G.L. c. 93A demand on or before July 9, 2018, should he decide to proceed on such claim;
2. Plaintiff will provide Defendants with a courtesy copy of the First Amended Complaint on or before July 20, 2018, which shall be identical to the document ultimately filed with the Court as the First Amended Complaint;
3. Plaintiff will file the First Amended Complaint on August 8, 2018;
4. Bayer's Motion to Dismiss shall be filed no later than August 17, 2018;
5. Plaintiff's Opposition to Bayer's Motion to Dismiss shall be filed no later than September 10, 2018;

¹ At a hearing held June 29, 2018, plaintiff's counsel stated that defendants McKesson Corporation and McKesson Medical-Surgical, Inc. were voluntarily dismissed from the case. The Court ORDERS that those defendants are hereby DISMISSED without prejudice.

6. Bayer will seek leave from the Court to file a reply, if needed, by September 14, 2018;
7. Parties will exchange initial disclosures within thirty (30) days of the Court's ruling on Defendant Bayer HealthCare Pharmaceuticals Inc., Bayer Corp., and Bayer HealthCare LLC's (collectively "Bayer") Motion to Dismiss;
8. Within thirty (30) days after the Court enters an Order ruling on Bayer's Motion to Dismiss, in the event any claim remains pending, the parties will submit a joint pretrial discovery plan on all remaining discovery events, as well as a dispositive motion briefing schedule. The parties further agree to meet and confer to propose a stipulated protective order regarding confidential information and an ESI protocol at that time; and

Date:

7/3/2018



United States District Judge